

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CR. NO. 17-20574

v.

HON. VICTORIA A. ROBERTS

JOSE G. TORRES,

Defendant.

/

SENTENCING MEMORANDUM

I.

On November 20, 2017, Mr. Torres pled guilty to Count Two of the Indictment charging him with Coercion and Enticement of a Minor. A Presentence Report was prepared and the advisory sentencing guidelines are 135 to 168 months - the same as contemplated by the parties in the Rule 11 Plea Agreement. Neither side has filed any objections to the Presentence Report. There is a mandatory minimum sentence of 10 years. The Court should impose a sentence that is sufficient but not greater than necessary to fulfill the sentencing goals of the statute. In the present case, a sentence of ten years is probably greater than necessary but the Court has no choice.

II.

Nature & Circumstances of the Offense

Between August 1, 2015 and April 30, 2016, Mr. Torres and the 14 year old minor female exchange literally thousands of text messages. During that time Mr. Torres requested and received **THREE** nude photographs of the girl. It has been some time since defense counsel viewed the photographs, but he does not believe that the nude photographs included the girls' face. At any rate, Mr. Torres did not re-publish the nude photographs on the internet or anywhere else. Mr. Torres, who lived in Florida at the time, did not travel or attempt to travel to Michigan to meet the minor girl. Nor did he attempt to persuade the minor female to travel to Florida to meet with him. It is defense counsel's view that a ten year sentence for **THREE** nude photographs is more than sufficient in the present case.

History & Characteristics of Mr. Torres

Mr. Torres is 39 years old. He has no prior convictions of any kind. He is married and has three children. A fourth child died in 2010 from SIDS. Mr. Torres was separated from his wife at the time he engaged in the present offense. Mr. Torres has tried to maintain employment his entire life. He dropped out of school in the eleventh grade in order to work. Mr. Torres does not use drugs and drinks alcohol only occasionally.

Mr. Torres is not a citizen of the United States. He is a valid green card holder, but he is a citizen of Venezuela. Accordingly, in addition to the sentence to be imposed by the Court, Mr. Torres will no doubt be deported upon his release from prison. This is an additional collateral consequence that Mr. Torres will suffer that other similarly situated defendants will not suffer.

Miscellaneous

The mandatory ten year sentence will reflect the seriousness of the offense, promote respect for law and provide just punishment. A ten year sentence will afford adequate deterrence and protect the public from further crimes of the defendant.

III.

For the foregoing reasons we request a sentence of ten years.

Respectfully submitted,

FEDERAL DEFENDER OFFICE

s/Richard M Helfrick
RICHARD M. HELFRICK (P33323)
Attorney for Defendant
613 Abbott, 5th Floor
Detroit, Michigan 48226
(313) 967-5867

Dated: February 26, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2018, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Matthew Roth
Margaret M. Smith
Assistant U.S. Attorneys
211 W. Fort St., Ste. 2001
Detroit, MI 48226

FEDERAL DEFENDER OFFICE

s/Richard M Helfrick
RICHARD M. HELFRICK (P33323)
Attorney for Defendant
613 Abbott, 5th Floor
Detroit, Michigan 48226
(313) 967-5867